

SIKKIM



GOVERNMENT

GAZETTE

**EXTRAORDINARY
PUBLISHED BY AUTHORITY**

Gangtok

Monday 30th March, 2020

No. 256

**GOVERNMENT OF SIKKIM
HOME DEPARTMENT
GANGTOK**

No: 21/Home/2020

Dated: 30/03/2020

NOTIFICATION

In compliance of Order dated 23.03.2020 passed by the Hon'ble Supreme Court in *Suo Motu Writ Petition (Civil) No. 01 of 2020*, In *Re: Contagion of COVID 19 VIRUS in Prisons*, the State Government is hereby pleased to constitute a High Powered Committee comprising of:-

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|---|--------------------|
| 1. Hon'ble Executive Chairman,
Sikkim State Legal Services Authority (SSLSA) | - Chairman |
| 2. Chief Secretary, Government of Sikkim | - Member |
| 3. Senior Superintendent of Police, District Prison, Namchi | - Member |
| 4. Additional Secretary (Confidential), Home Department | - Member Secretary |

The terms and reference of the Committee shall be as follows :-

- (i) The Committee shall determine which class of prisoners can be released on parole or an interim bail for such period as may be thought appropriate. For instance, the State could consider the release of prisoners who have been convicted or are undertrial for offences for which prescribed punishment is up to 7 years or less, with or without fine and the prisoner has been convicted for a lesser number of years than the maximum.
- (ii) The Committee shall determine the category of prisoners who should be released as aforesaid, depending upon the nature of offence, the number of years to which he or she has been sentenced or the severity of the offence with which he/she is charged with and is facing trial or any other relevant factor, which the Committee may consider appropriate.
- (iii) The Committee shall take into account the directions contained in para no. 11 in *Arnesh Kumar v. State of Bihar*, (2014)8 SCC 273.

By order and in the name of the Governor.

S.C Gupta, IAS

Chief Secretary

Government of Sikkim

File No. HOME/CONFDL/111/2020/134